

OLON TOWNSHIP PLANNING COMMISSION
Tuesday, February 1, 2022
Solon Township Hall
9191 South Kasson Street, Cedar, MI 49621

I. Call Meeting to Order/Pledge of Allegiance

Chair Morgan called the meeting to order at 7:00 p.m. with the Pledge of Allegiance and a moment of silence.

II. Roll Call / Guest Sign-in

Present: Al Laskey, Member; Steve Morgan, Chair; Samantha Vandervlucht, Member; Meg Paxton, Member; Todd Yeomans, Vice Chair/ZBA Rep and Steve Yoder, Township Board Rep

Absent: Lisa Rossi, Member

Staff Present: Tim Cypher, Zoning Administrator; Allison Hubley-Patterson, Recording Secretary

III. Motion to Approve Minutes - January 4, 2022

Chair Morgan asked for a motion to approve the January minutes. It was noted that under "Reports", the stop light language is redundant; it should read, "They also clarified that there will be a stoplight at Cedar Road and M-72, not a blinking light". **Laskey moved to approve the January 4, 2022 minutes as amended; Yoder seconded. All present in favor, motion carried.**

IV. Agenda

Chair Morgan asked for a motion to approve the February agenda. **Vandervlucht moved to approve the February agenda as presented; Paxton seconded. All present in favor, motion carried.**

V. Correspondence – None

VI. Public Comment (three minutes per person unless extended by Chair) – No public comment

VII. Conflicts of Interest – None reported at this time.

VIII. Reports

Township Board Rep: Yoder summarized the discussion from the Township Board January meeting. The Township Board believes that the landscape section in the draft ordinance is too lengthy. The Supervisor spoke to not support having islands in the parking lot and suggested there are too many trees. It was noted that the concrete outside the Fire Department building is in poor condition; a station evaluation plan is being prepared. Yoder also stated that the Township is pursuing a Fire Board Authority. This entity would be responsible for collecting the millage and removes the responsibility from the Township Board.

ZBA Rep: Yeomans reported that a new Township Hall custodian was appointed.

Yeomans inquired about the dog situation. No formal complaint has been filed.

The cameras that the County is installing on the Fire Department building are pointed at the recycling site. Yeomans asked how we can be more proactive with regard to the junk situation. Cypher discussed property rights and stated that everyone is concerned about the statute of limitations on enforcement. This is currently being appealed at the state Supreme Court level. There is a movement to try to bypass zoning board regulations. If anyone sees anything that is concerning, please notify the zoning administrator. Although it is illegal for the zoning administrator to trespass on an individual's property, Cypher stated that if he notices something, he does notify other local regulatory agencies. With regard to the ordinance, something may be considered acceptable if it is behind a fence and cannot be seen from the road.

ZA: Cypher provided an update on the Delmoupied issue. Jim Lautner, attorney Dave Bieganowski, Township Clerk Shirley Mikowski and Cypher were present at Mr. Delmoupied's deposition. There has been no resolution and MDARD was asked to visit the Delmoupied property. Delmoupied claimed he had an independent "right to farm". MDARD wrote a letter defining the use on the property. Mr. Delmoupied maintains that he has not done anything wrong.

Cypher indicated that only one land use permit was filed in January.

IX. Public Hearing – there was no public hearing

X. New Business – None

XI. Unfinished Business

A. Review Draft Ordinance – Cypher has edited the Ordinance based on comments from the Leelanau County Planning Commission (LCPC). The final draft version will be printed for next month's meeting. Cypher led the PC through a detailed discussion of each bullet point item on the "LCPC Comments/Need for Additional Discussion" document:

1. The first bullet point on the working document reflects a general comment from the LCPC regarding housing development. This topic was discussed at the January PC meeting. There will only be one standard for all projects as opposed to separate standards. It is up to the applicant to ask for waivers; waivers must be granted on a consistent basis. Discussion ensued that growth in the township is desired but development will be scrutinized based on standards. This includes the process of reviewing the "Findings of Fact" as part of the due diligence conducted. Vandervlucht noted that high standards add value to the township and also mentioned that the public has stated their desire to maintain the rural character of the area.
2. Page 11 refers to the Resolution Establishing the Zoning Ordinance which references prior Public Acts that have been repealed and replaced with the Michigan Planning Enabling Act and the Michigan Zoning Enabling Act. In the draft of 2/2/22, this Resolution was revised to reflect the new Acts.
3. Page 19 reflects the definition for Changeable Message Board. The draft of 2/2/22 resolves this concern by requiring that all signage must be content neutral.
4. Page 29 provides the definition of Lot, Flag. A revised definition was provided in the 2/2/22 draft to also include the "or" section of the either/or alternative.
5. Page 31 defined "Nuisance" to include 'passing traffic'; the revised draft of 2/2/22 removes 'passing traffic' from this definition.
6. Page 33 defines Restaurant Drive-Through. The Zoning Ordinance does not allow restrictions on franchises; thus, the definition was left in the revised draft of 2/2/22.
7. Page 35 includes the definition of Sign, Freestanding and Sign, Off-Premise. The revised draft of 2/2/22 now reflects that a "sign" must be content neutral.
8. Page 40, Article III addresses the Planned Unit Development (PUD) as a new district; currently, no property on the township zoning map is identified for PUD. Cypher proposed to the PC that PUDs be determined by a Zoning Ordinance amendment established by a public hearing at a future PC meeting. With the amendment, the PUD will appear on the Future Land Use Map for the Master Plan.
9. Page 47, Section 4.09 discusses Maximum Height. Cypher stated that towers are exempt from regulations due to FCC and state of Michigan

standards and certain older buildings such as churches with high steeples are grandfathered under the requirements. The Right to Farm automatically exempts AG buildings.

10. Page 47, Section 4.11 Driveways addresses how the road commission has applications and requirements for driveways and issues driveway permits. The township must also have requirements and review for driveways for emergency vehicle access; driveways cannot have more than a 10% grade. If a driveway grade is greater than 10%, the property owner may be required to install a sprinkler system in the house by the Fire Chief.
11. Page 50 now includes the Leelanau County Address Ordinance which requires that any access or easement that can serve five or more residences be named as a private road; addresses for the residences are done from the private road name.
12. Page 51, Section 4.13, "Temporary Dwelling Unit", Item f. now reads, "Not to be used for residential purposes for more than sixty (60) calendar days in any calendar year, except in the Ag/Conservation district, then no more than a hundred (100) calendar days"; this language appears in the revised draft of 2/2/22.
13. Page 53, Section 4.18 Amendments begins on page 49 in the revised draft of 2/2/22. The information from another township which was recommended by the LCPC has been incorporated to clearly spell out the procedure for applying for an amendment or rezoning.
14. Page 53, Section 4.19 Fees. The PC discussed that they cannot authorize a waiver for fees; this is handled by the Township Board. Waivers do not have to be granted. It was decided that the paragraph would remain intact and will state that fees can be charged.
15. Page 54, Article V addresses "Permitted uses by Right" and "Permitted Principal Uses"; the 2/2/22 revised draft now uses "Permitted Principal Uses", exclusively; "Permitted uses by Right" has been removed.
16. Page 59, Article VII, Residential District 1 – Section 7.04, #7- Cypher read the revised language regarding setbacks which states: 7. Neighborhood Clause (in Cedar) – Any front setback area in any residential district may be reduced below the minimum requirements when the average front setback of existing principal buildings within two hundred (200) feet of a proposed principal building location is reviewed by the zoning administrator. The result of the average may be considered by the ZA as long as the intent of the zoning ordinance is considered.
17. Page 77, Article XV Obnoxious Uses, Section 15.03 Outdoor Storage now reads, "...and if environmental concerns potentially exist, the zoning administrator shall refer the matter to the appropriate agencies" ('should' changed to 'shall').
18. Page 82, Article XVIII, Zoning Board of Appeals- Section 18.09 Appeals includes the revised language: "Any applicant may appeal any

determination of the Administrator for review by the Board of Appeals". This has been changed in the 2/2/22 revised draft.

19. Page 83, Article XIX, Landscape Standards, Section 19.01 General Regulations, Item E now reads, "Planting materials shall be of good quality and species native to the region" ('normally' changed to 'native').
20. Article XIX – waiver notes were added from the site plan review section to let the PC grant flexibility on a case-by-case basis.
21. Article XLX, Landscape Standards – waiver notes were added from the site plan review section to let the PC grant flexibility on a case-by-case basis.
22. Article XIX, Section 19.06, Required Parking Lot Trees and Parking Lot Islands – for items M and O, language now reads, (M) Center islands shall be provided the equivalent of one for every four (4) parking modules and may be generally dispersed throughout the parking lot to define parking fields. Such islands shall be a minimum of fifteen (15') wide. (O) Circulation border islands shall be provided to define driveways and circulation patterns and shall be a minimum of fifteen feet (15') wide.
23. Page 93, Section 19.07, Item C, the revised draft of 2/2/22 reads that the recommendation of Consumers Energy will be followed.
24. Page 96, Section 19.12, the Planning Commission will have the authority to approve the Landscaping plans; Township Board approval has been removed from the revised draft of 2/2/22.
25. Page 97, Section 19.13 Compliance for Pre-Existing Sites states in the revised draft of 2/2/22 that the property owner must request a waiver if they are unable to meet the requirements for landscaping.
26. Page 98, Article XX Site Plan Review, Section 20.02, Item 1 has been resolved in the revised draft of 2/2/22. The word "Uses" has been moved to special land uses so that the public notice requirement could be enforced. In recent years, the public has requested this and the PC agrees that this is the best approach.
27. Page 99, Section 20.03 A. Plot Plan and Site Plan Data Required – this chart is very helpful and will be retained. It was agreed that a second chart showing who reviews/approves Special Land Uses, Planned Unit Developments and Condominium Subdivisions is not needed.
28. Page 107, Article XXI Ag-Tourism. The PC agreed that the goals of the provisions will remain in the document.
29. Page 111, Section 22.03.B, #10 now reads, "The zoning administrator may modify the information required for submission to the Commission, adding or eliminating items as necessary, to ensure a thorough review of the proposed project" ('Planning Commission' changed to 'Zoning Administrator').
30. Page 120, Section 23.03 Standards for Private Roads, B. Language has been changed in the revised draft of 2/2/22 to reflect that all

private roads that will service five (5) or more residences require a road name according to the Leelanau County Address Ordinance.

31. Section 24.04 Table 1 – “industrial zoned lands” has been removed as there are no industrial zoned lands in the township according to the township zoning map and list of zoning districts in the ordinance.
32. Page 130, Section 24.06 Special Land Use Permits, C. Cypher stated that he has edited this passage and removed the language referencing “Sections 4, 5 and 8”.
33. Page 136, Article XXVII Condominium Subdivisions, Section 27.02. Language ends with “parent parcel” but language relating to Special Purposes Districts and Planned Residential Zone (PRD) has been removed from the revised draft of 2/2/22.
34. Page 140, Section 27.06B Duration. The revised language is permissive and indicates “may” (not ‘shall’), and only allows the extension to the township’s already approved requirements.
35. LCPC Discussion - Cypher will review LCPC Commissioner Miller’s comments.

- B. Master Plan Review – Future Land Use Map – Review minutes passage – this item was tabled to the next meeting.

XII. Other Items

- A. Paxton reported that the survey was sent to all residents with the tax bills in December. Surveys are due by February 15, 2022. She will provide a report regarding the survey response rate at the next meeting.
- B. Wild Juniper Nursery - Cypher stated that the nursery will begin as a roadside stand on the NE corner of S. Cedar Road and M-72; it will be set back from the road. The applicant does meet the definition of a “roadside stand” which requires that all items sold must be produced on the farm.

XIII. ZA/Planning Commission Comment - None

XIV. Public Comment (three minutes per person unless extended by Chair) – No public comment

XV. Adjournment: There being no objection, Chair Morgan adjourned the meeting at 8:57 p.m.

The next meeting is scheduled for Tuesday, March 1, 2022, at 7:00 p.m. at the Solon Township Hall.

Respectfully submitted,
Allison Hubley-Patterson, Recording Secretary

SOLON TOWNSHIP ZA'S MONTHLY PERMIT SUMMARY

PERIOD: JANUARY 2022

DATE	PERMIT #	NAME	USE	RECEIPT CK.#	AMOUNT
1/11/2022	LUP 22-01	MAULE	LAND USE	202201	5134 \$ 180.00
010-020-022-00	3408 E. ALPINE ROAD	NEW DWELLING ATT.GARAGE COVERED DECKSPATIO	4,228 S.F.		

TOTAL \$ 180.00

SIGNED:

Timothy A. Cypher

DATE: 1/31/2022

TIMOTHY A. CYPHER
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